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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,049	11/09/2000	Masahito Niikawa	15162/02720	6084

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EXAMINER

DUNCAN, MARC M

ART UNIT PAPER NUMBER

2113

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,049

Applicant(s)

NIIKAWA, MASAHIRO

Examiner

Marc Duncan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18, 20, 22, 23, 26-34, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17, 20, 22, 23, 26-34, 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 14 and 18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Status of the Claims

Claims 1-7, 10-12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (6,539,499) in view of Microsoft.

Claim 13 is objected to.

Claims 15-17, 20, 22-23, 26-34 and 37-38 are allowed.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7, 10-12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (6,539,499) in view of Microsoft.

Regarding claim 1:

Stedman teaches a) receiving an inspection result automatically obtained by an inspection program (col. 3 lines 47-47-54, col. 4 lines 3-5 and lines 30-31) by executing the inspection program on an electronic device on a customer's side (col. 2 lines 62-66), said inspection result being received by computer communication (col. 3 lines 13-16).

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Stedman teaches b) obtaining a diagnostic result by diagnosing said electronic device on the basis of said inspection result (col. 4 lines 3-5, col. 4 lines 30-31 and col. 5 lines 17-19), said diagnosis result including a diagnosis result about an electronic card attached to said electronic device (col. 3 lines 31-41, col. 3 lines 50-54 and col. 4 lines 53-56 – A computer system includes electronic cards and testing things such as the monitor, sound, etc. would include diagnosis results about cards, i.e. the video card, the sound card, etc.).

Stedman does not explicitly teach validating the inspection result received through computer communication. Stedman does, however, teach the result being received through computer communication lines.

Microsoft teaches validating data received through computer communication in the definition of error detection and correction (page 180). The inspection result of claim 1 is data.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the error detection and correction of Microsoft with the data received through computer communication of Stedman.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because the error detection and correction of Microsoft provides the ability to detect and resolve errors that may occur during transmission of data, thereby providing data integrity.

Regarding claim 2:

Stedman teaches supplying said inspection program to said customer before said step a) in col. 2 lines 62-66.

Regarding claim 3:

Stedman teaches c) sending a computer readable-medium carrying said inspection program to said customer (col. 3 lines 13-16 – the program is download from an Internet connection. This is providing the customer with a computer-readable medium carrying the inspection program in the form of the transmission medium carrying the program to the user's computer), wherein said step c) is performed before said step a) (col. 2 lines 62-66 – the inspection program is necessarily provided before a result can be obtained by running the program).

Regarding claim 4:

Stedman teaches d) sending said inspection program to said customer through computer communication (col. 3 lines 13-16), wherein said step d) is performed before said step a) (col. 2 lines 62-66 – the inspection program is necessarily provided before a result can be obtained by running the program).

Regarding claim 5:

Stedman teaches wherein said inspection program is registered on a server connected to a computer network in col. 2 lines 62-66.

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Regarding claim 6:

Stedman teaches wherein a plurality of inspection programs are registered on said server in accordance with diagnostic items of said electronic device in col. 3 lines 42-54.

Regarding claim 7:

Stedman teaches wherein a computer-readable medium carrying said inspection result is received in said step a) in col. 3 lines 13-16. In the case where the application is located remotely, the result is necessarily transmitted using a computer-readable medium in the form of the transmission medium carrying the results.

Regarding claim 10:

Stedman teaches the step of e) transmitting said diagnosis result to said customer in col. 5 lines 17-19.

Regarding claim 11:

Stedman teaches the step of f) accepting a request of repair from said customer through computer communication in col. 6 lines 1-20.

Regarding claim 12:

Stedman teaches wherein said step f) includes the steps of:

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issuing an acceptance number of repair to said customer (col. 6 lines 8-10 – the computer's ID number is used as an acceptance number for a particular customer) and recording said diagnosis result with said acceptance number (col. 6 lines 13-15).

Regarding claim 14:

Stedman teaches wherein said diagnosis result includes information whether said electronic device needs repair or not in col. 5 lines 11-12 and lines 23-25. If the application cannot locally repair the issue, then online assistance may be necessary. Local repair consists of such actions as rebooting or resetting a component. The examiner considers situations in which further assistance is needed to be equivalent to the repair of the instant claim. Thus, if local repair is successful, then the repair of the instant claim is unnecessary.

Regarding claim 18:

Stedman teaches wherein said step b) is performed by a computer in col. 4 lines 3-5. The result is obtained automatically.

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive.

Applicant argues, on page 1, that the allowable subject matter of claim 9 has been incorporated into claim. The examiner respectfully disagrees. Claim 9, prior to the current amendment, recited, "confirming whether data received as an inspection result is a valid inspection result or not." The instant claim at issue merely requires "validating and inspection result...received by computer communication." The examiner believes this limitation to be broader in scope. Rather than requiring the receiving side to determine if the data received is inspection result data or not, the receiving side in the instant claim merely needs to validate an inspection result received through computer communication. Such a broad validation step reads upon a simple ECC test on the receiving side of the computer communications link.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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